

REMARKS

As of the Non-Final Office Action mailed June 2, 2008, claims 1-9 and 17-36 are currently pending, of which claims 1, 17, 31, 33, and 35 are in independent form. Claims 10-16 have been canceled. Claims 1-9 and 31-34 have been withdrawn.

Claim 35 is being amended to clarify the claim language. No new matter has been added.

Reexamination and reconsideration of the action are requested in light of the foregoing amendments and the following remarks.

Section 103

I. Brown and Marrocco fail to teach or suggest using a polymeric matrix with anhydrides in a polymeric barrier layer.

The examiner rejected claims 17-30 and 36 as allegedly obvious over U.S. Patent No. 6,897,474 to Brown et al. ("Brown") in view of U.S. Publication No. 2005/0186443 to Marrocco, III et al. ("Marrocco"). The applicants respectfully traverse this rejection.

Claim 17 is directed to an organic electronic device with an active polymeric barrier layer that binds moisture and oxidizing agents and includes a material comprising a polymeric matrix with anhydrides.

In the pending Non-Final Office Action mailed June 2, 2008 ("6/2/2008 Office Action"), the examiner acknowledges that Brown does not disclose a first active polymer barrier comprising a polymeric matrix with anhydrides. 6/2/2008 Office Action at 2. The examiner references "Wiercinski," although this appears to be erroneously carried over from a previous office action since Marrocco is the reference explicitly relied upon, especially since the examiner submits that the applicants' previous arguments "are moot in view of the new ground(s) of rejection." *See* 6/2/2008 Office Action at 4 and 6. The examiner relies on Marrocco as disclosing "an analogous OLED device comprising a polymer matrix with anhydride, wherein the polymer 36 or 47, polystyrene, for example, is treated with the same anhydride material." *Id.* at 3. Although Marrocco discloses using anhydrides to manufacture a polymer, Marrocco does not disclose or suggest using a polymer including anhydrides in a barrier layer of an organic

electronic device. Polymer 35 of Marrocco is used to make polymer 37, which is able to fluoresce blue when a voltage is applied to electrodes on either side of a layer formed of polymer 37. *See* Marrocco at [130]. There is no reason for a person of ordinary skill in the art to use a fluorescing polymer in a polymeric barrier layer. Therefore, both Brown and Marrocco fail to teach or suggest an active polymeric barrier layer that binds moisture and oxidizing agents and includes a material comprising a polymeric matrix with anhydrides.

Claim 17 should be found allowable for at least these reasons. Claims 18-30 and 36 depend from claim 17 and should be found allowable for at least the same reasons.

II. Krell relates to industrial ceramics and is therefore not analogous art, and the disclosure in Krell of differing crystal structures has not been shown to render the claimed ceramic barrier layers obvious.

The examiner rejected claim 35 as allegedly obvious over Brown and Marrocco in view of U.S. Patent No. 6,841,497 to Krell et al. ("Krell"). The applicants respectfully traverse this rejection.

Claim 35, as currently amended, is directed to an organic electronic device having a substrate that includes an assembly of at least one active polymeric barrier layer adjacent to first and second ceramic barrier layers, the first and second ceramic barrier layers being directly adjacent to one another, and the first and second ceramic barrier layers having the same composition but exhibiting different microstructures from one another.

a. Krell is not analogous art.

The applicants previously argued in their February 8, 2008 Reply to Non-Final Office Action ("2/8/2008 Reply") that Krell is not analogous prior art because Krell is not in the field of electronic devices and does not address forming barrier layers. *See* 2/8/2008 Reply at 4. The examiner has rejected this argument, arguing that "Krell is incorporated to show a widely used [*sic*] of the barrier layers which would produce a structure exhibiting different microstructures from one another." *See* 6/2/2008 Office Action at 7. The applicants respectfully disagree. "[A] reference in a field different from that of applicant's endeavor may be reasonably pertinent if it is

one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his or her invention as a whole." MPEP 2141.01(a). A person of ordinary skill in the field of applicants' endeavor could not reasonably have been expected to refer to Krell because Krell is related to industrial ceramics and the fabrication of filtration membranes and catalyst carriers, not electronic devices or the formation of barrier layers. See Krell at col. 1, lines 8-14; see also *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1742, 550 U.S. ----, ----, 82 USPQ2d 1385, 1397 (2007) ("Under the correct analysis, any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed."). Because Krell is not analogous art, Krell cannot be relied upon for an obviousness rejection.

b. The disclosure in Krell of varying crystal structures is insufficient, and the examiner has provided no reason to combine Krell with any other reference.

The examiner also maintains, as in the previous Non-Final Office Action mailed November 9, 2007 ("11/9/2007 Office Action"), that it would be obvious in light of Krell to use two or more ceramic layers with varying crystal structure. See 11/9/2007 Office Action at 6; see also 6/2/2008 Office Action at 6. The applicants previously argued that even if Krell is analogous art, Krell does not suggest using two adjacent ceramic barrier layers. See 2/8/2008 Response at 4. The examiner does not address this deficiency in Krell but instead argues that "Krell discloses a [*sic*] aluminum oxide of different crystal structure." See 6/2/2008 Office Action at 6. A disclosure that ceramics can be made with varying crystal structures does not render obvious the use of first and second barrier layers having the same composition but exhibiting different microstructures from one another. Further, the examiner provides no reason why a person of ordinary skill in the art would be expected to combine Krell with Brown, Marrocco, or any other reference. See *id.* Krell therefore does not support a finding of obviousness, and claim 35 should be found allowable.

Conclusion

Applicant respectfully requests that all rejected claims be allowed.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicants do not acquiesce with other positions that have not been explicitly addressed. In addition, the applicants' selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicants' decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

A petition for an extension of time under 37 C.F.R. § 1.136 is hereby made.

The fee in the amount of \$130 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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David M. Keyzer
Reg. No. 56,812

Customer No. 26181
Fish & Richardson P.C.
Telephone: (650) 839-5070
Facsimile: (877) 769-7945